

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANNETTE BLANCHARD,

Plaintiff,

v.

NORTH CASCADE TRUSTEE
SERVICES, INC., et al.,

Defendants.

CASE NO. C16-1544JLR

ORDER DISMISSING
CASE FOR LACK OF
SUBJECT MATTER
JURISDICTION

The court has reviewed Plaintiff Annette Blanchard's first amended complaint. (Am. Compl. (Dkt. # 21).) Ms. Blanchard filed her first amended complaint in accordance with the court's January 27, 2017, order dismissing Ms. Blanchard's original complaint for lack of subject matter jurisdiction with leave to amend. (1/27/17 Order (Dkt. # 20).) Ms. Blanchard timely amended her complaint and asserts subject matter jurisdiction on the basis of a federal question and diversity of citizenship. (Am. Compl. at 3.)

1 Like Ms. Blanchard's original complaint, Ms. Blanchard's amended complaint
 2 names North Cascade Trustee Services, Inc. ("NCTS"), as a defendant. (Am. Compl. at
 3 1-2.) NCTS and Ms. Blanchard are Washington domiciliaries. (*Id.* at 1; Req. (Dkt.
 4 # 15-1) Ex. F; *see also* 1/27/17 Order at 3 & n.1.) As the court has already concluded,
 5 diversity is lacking between NCTS and Ms. Blanchard, and the court therefore lacks
 6 diversity jurisdiction. (1/27/17 Order at 3.)

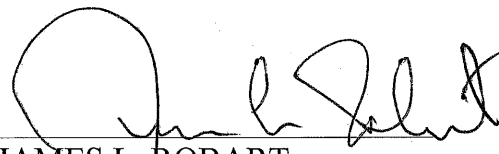
7 In her amended complaint—unlike in her original complaint (*see* Compl. (Dkt.
 8 # 6) at 3)—Ms. Blanchard also asserts that the court has federal question jurisdiction
 9 (Am. Compl. at 3). Ms. Blanchard identifies two federal statutes as the basis for a federal
 10 question: 28 U.S.C. § 1331 and 28 U.S.C. § 1449. (*Id.*) However, neither of those
 11 statutes confer substantive rights or relate to this case.¹ Ms. Blanchard also alludes to her
 12 "right to due process and constitutional rights," but the actions that she asserts violate
 13 those rights are "improper and fraudulent banking and mortgage servicing procedures."
 14 (Am. Compl. at 5 (capitalization altered).) Ms. Blanchard clarifies that her "entire action
 15 alleges fraud, negligence, malfeasance, and misrepresentation as a result of Defendants'
 16 actions." (*Id.* (capitalization altered).) These causes of action are generally grounded in
 17 state law, and Ms. Blanchard identifies no federal law that supports these claims.

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 19 ¹ *See* 28 U.S.C. § 1331 ("The district courts shall have original jurisdiction of all civil
 20 actions arising under the Constitution, laws, or treaties of the United States."); 28 U.S.C. § 1449
 21 ("Where a party is entitled to copies of the records and proceedings in any suit or prosecution in
 22 a State court, to be used in any district court of the United States, and the clerk of such State
 court, upon demand, and the payment or tender of the legal fees, fails to deliver certified copies,
 the district court may, on affidavit reciting such facts, direct such record to be supplied by
 affidavit or otherwise. Thereupon such proceedings, trial, and judgment may be had in such
 district court, and all such process awarded, as if certified copies had been filed in the district
 court.").

1 Moreover, Ms. Blanchard's original complaint, in which she based subject matter
2 jurisdiction only on diversity (Compl. at 3), contains the same allegations and allusion to
3 violations of "due process and constitutional rights" (*id.* at 6). Accordingly, the court
4 concludes that Ms. Blanchard asserts only state law claims and fails to allege facts to
5 support federal question jurisdiction.

6 The court previously indicated "that it will interpret any future failure to
7 adequately support subject matter jurisdiction as an indication that further amendment
8 would be futile." (1/27/17 Order at 4 (citing *Flowers v. First Hawaiian Bank*, 295 F.3d
9 966, 976 (9th Cir. 2002)); *see also id.* at 5 ("If Ms. Blanchard fails to timely amend her
10 complaint to remedy the deficiencies identified in this order, the court will dismiss this
11 case without leave to amend.")) Ms. Blanchard timely amended her complaint, but the
12 amended complaint fails to remedy the defects in subject matter jurisdiction. It is
13 therefore absolutely clear that amendment could not cure the defect in subject matter
14 jurisdiction, and the court declines to grant further leave to amend. *See Lucas v. Dep't of*
15 *Corr.*, 66 F.3d 245, 248 (9th Cir. 1995). The court therefore DISMISSES this case
16 without prejudice and without leave to amend for lack of subject matter jurisdiction.

17 Dated this 16th day of February, 2017.

18 
19 JAMES L. ROBART
20 United States District Judge
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